



General Assembly

Substitute Bill No. 688

January Session, 2003

AN ACT CONCERNING IDENTITY THEFT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-129a of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective October 1, 2003*):

3 (a) A person [is guilty of] commits identity theft when such person
4 intentionally obtains personal identifying information of another
5 person without the authorization of such other person and uses that
6 information for any unlawful purpose including, but not limited to,
7 obtaining, or attempting to obtain, money, credit, goods, services,
8 property or medical information in the name of such other person
9 without the consent of such other person.

10 (b) As used in this section, "personal identifying information" means
11 [a] any name, number or other information that may be used, alone or
12 in conjunction with any other information, to identify a specific
13 individual including, but not limited to, such individual's name, date
14 of birth, mother's maiden name, motor vehicle operator's license
15 number, Social Security number, employee identification number,
16 [mother's maiden name,] employer or taxpayer identification number,
17 alien registration number, government passport number, health
18 insurance identification number, demand deposit account number,
19 savings account number, [or] credit card number, debit card number
20 or unique biometric data such as fingerprint, voice print, retina or iris

21 image, or other unique physical representation.

22 [(b) Identity theft is a class D felony.]

23 Sec. 2. (NEW) (*Effective October 1, 2003*) (a) A person is guilty of
24 identity theft in the first degree when such person commits identity
25 theft, as defined in section 53a-129a of the general statutes, as amended
26 by this act, and the value of the property or service obtained exceeds
27 ten thousand dollars.

28 (b) Identity theft in the first degree is a class B felony.

29 Sec. 3. (NEW) (*Effective October 1, 2003*) (a) A person is guilty of
30 identity theft in the second degree when such person commits identity
31 theft, as defined in section 53a-129a of the general statutes, as amended
32 by this act, and the value of the property or service obtained exceeds
33 five thousand dollars.

34 (b) Identity theft in the second degree is a class C felony.

35 Sec. 4. (NEW) (*Effective October 1, 2003*) (a) A person is guilty of
36 identity theft in the third degree when such person commits identity
37 theft, as defined in section 53a-129a of the general statutes, as amended
38 by this act.

39 (b) Identity theft in the third degree is a class D felony.

40 Sec. 5. (NEW) (*Effective October 1, 2003*) (a) A person is guilty of
41 trafficking in personal identifying information when such person sells,
42 gives or otherwise transfers personal identifying information, as
43 defined in section 53a-129a of the general statutes, as amended by this
44 act, of another person to a third person knowing that such information
45 has been obtained without the authorization of such other person and
46 that such third person intends to use such information for an unlawful
47 purpose.

48 (b) Trafficking in personal identifying information is a class D
49 felony.

50 Sec. 6. (NEW) (*Effective October 1, 2003*) Whenever a person is
51 convicted of a violation of section 53a-129a of the general statutes,
52 revision of 1958, revised to January 1, 2003, or section 2, 3 or 4 of this
53 act, the court may issue such orders as are necessary to correct a public
54 record that contains false information as a result of such violation.

55 Sec. 7. (NEW) (*Effective October 1, 2003*) Any person who believes he
56 or she is a victim of a violation of section 53a-129a of the general
57 statutes, revision of 1958, revised to January 1, 2003, or section 2, 3 or 4
58 of this act may file a complaint reporting such alleged violation with
59 the law enforcement agency for the town in which such person resides.
60 Such law enforcement agency shall accept such complaint, prepare a
61 police report on the matter, provide the complainant with a copy of
62 such report and investigate such alleged violation and any other
63 offenses allegedly committed as a result of such violation and shall, if
64 necessary, coordinate such investigation with any other law
65 enforcement agencies.

66 Sec. 8. Section 54-1d of the general statutes is repealed and the
67 following is substituted in lieu thereof (*Effective October 1, 2003*):

68 (a) Except as provided in [subsection (b)] subsections (b) and (c) of
69 this section, defendants in criminal actions shall be brought either to
70 the court in the geographical area established pursuant to section 51-
71 348, in which the crime was alleged to have been committed, or, if the
72 arrest was by warrant, to the court in the geographical area in which
73 the arrest was made, for arraignment. If the defendant was brought to
74 the court in the geographical area in which the arrest was made for
75 arraignment and was not released from custody after such
76 arraignment, the defendant shall be presented to the court in the
77 geographical area in which the crime was alleged to have been
78 committed not later than the second court day following such
79 arraignment. A criminal cause shall not fail on the ground that it has
80 been submitted to a session of improper venue.

81 (b) Any defendant who is charged with multiple offenses under any

82 provision of section 53a-127b or sections 53a-128a to 53a-128i,
83 inclusive, where such offenses were alleged to have been committed in
84 more than one geographical area established pursuant to section 51-
85 348, may be presented to the court in any one of such geographical
86 areas. The court may consolidate all such offenses into a single
87 criminal action and shall have jurisdiction over such action.

88 (c) Any defendant who is charged with a violation of section 53a-
89 129a of the general statutes, revision of 1958, revised to January 1, 2003,
90 or section 2, 3 or 4 of this act and any defendant who is charged with
91 any other offense committed as a result of such violation may be
92 presented to the court in the geographical area in which the victim
93 resides.

94 Sec. 9. (NEW) (*Effective October 1, 2003*) (a) A consumer, as defined
95 in section 36a-695 of the general statutes, who believes he or she is a
96 victim of a violation of section 53a-129a of the general statutes, revision
97 of 1958, revised to January 1, 2003, or section 2, 3 or 4 of this act may
98 request a credit rating agency, as defined in section 36a-695 of the
99 general statutes, to block and not report information appearing on his
100 or her credit report, as defined in section 36a-695 of the general
101 statutes, as a result of such violation. Such consumer shall submit such
102 request, in writing, to the credit rating agency, together with proof of
103 such consumer's identity and a copy of a police report prepared
104 pursuant to section 7 of this act. Not later than thirty days after receipt
105 of such request, the credit rating agency shall block reporting any
106 information that the consumer alleges appears on his or her credit
107 report as a result of such violation so that the information cannot be
108 reported. The credit rating agency shall promptly notify the furnisher
109 of the information that a police report has been filed, that a block has
110 been requested and the effective date of the block.

111 (b) A credit rating agency may decline to block or may rescind any
112 block of consumer information if the credit rating agency believes in
113 good faith that: (1) The information was blocked due to a
114 misrepresentation of fact by the consumer relevant to the request to

115 block under this section, (2) the consumer agrees that the blocked
116 information or portions of the blocked information were blocked in
117 error, (3) the consumer knowingly obtained possession of goods,
118 services or moneys as a result of the blocked transaction or
119 transactions or the consumer should have known that he or she
120 obtained possession of goods, services or moneys as a result of the
121 blocked transaction or transactions, (4) the information was blocked
122 due to fraud in which the consumer participated or of which the
123 consumer had knowledge, and which may for purposes of this section
124 be demonstrated by circumstantial evidence, or (5) the credit rating
125 agency, in the exercise of good faith and reasonable judgment, has
126 substantial reason based on specific, verifiable facts to doubt the
127 authenticity of the consumer's report of a violation of section 53a-129a
128 of the general statutes, revision of 1958, revised to January 1, 2003, or
129 section 2, 3 or 4 of this act.

130 (c) If the credit rating agency declines to block information or
131 rescinds the block of information pursuant to subsection (b) of this
132 section, the credit rating agency shall promptly notify the consumer in
133 the same manner as consumers are notified of the reinsertion of
134 information pursuant to subsection (b) of section 36a-699b of the
135 general statutes. The prior presence of the blocked information in the
136 credit rating agency's file on the consumer is not evidence of whether
137 the consumer knew or should have known that he or she obtained
138 possession of any goods, services or moneys.

139 (d) A credit rating agency shall accept the consumer's version of the
140 disputed information and correct the disputed item when the
141 consumer submits to the credit rating agency documentation obtained
142 from the source of the item in dispute or from public records
143 confirming that the report was inaccurate or incomplete, unless the
144 credit rating agency, in the exercise of good faith and reasonable
145 judgment, has substantial reason based on specific, verifiable facts to
146 doubt the authenticity of the documentation submitted and notifies the
147 consumer in writing of that decision, explaining its reasons for
148 unblocking the information and setting forth specific, verifiable facts

149 on which the decision is based.

150 (e) A credit rating agency shall delete from a credit report inquiries
151 for credit reports based upon credit requests that the credit rating
152 agency verifies were initiated as a result of a violation of section 53a-
153 129a of the general statutes, revision of 1958, revised to January 1,
154 2003, or section 2, 3 or 4 of this act.

155 (f) The provisions of this section do not apply to: (1) A credit rating
156 agency that acts as a reseller of credit information by assembling and
157 merging information contained in the databases of other credit rating
158 agencies, and that does not maintain a permanent database of credit
159 information from which new credit reports are produced, (2) a check
160 services or fraud prevention services company that issues reports on
161 incidents of fraud or authorizations for the purpose of approving or
162 processing negotiable instruments, electronic funds transfers or similar
163 payment methods, or (3) a demand deposit account information
164 service company that issues reports regarding account closures due to
165 fraud, substantial overdrafts, automatic teller machine abuse or similar
166 negative information regarding a consumer to inquiring banks or other
167 financial institutions for use only in reviewing a consumer request for
168 a demand deposit account at the inquiring bank or financial
169 institution.

170 Sec. 10. (NEW) (*Effective October 1, 2003*) (a) If a person determines
171 that an application in such person's name for a loan, line of credit,
172 credit account, credit card, charge card, public utility service or
173 telecommunications service has been filed with any person, firm or
174 corporation by an unauthorized person, or that an account in such
175 person's name has been opened with a financial institution, public
176 utility or telecommunications service provider by an unauthorized
177 person, such person may request information related to the application
178 or account by submitting to the person, firm or corporation with which
179 the application was filed or the account was opened a copy of a police
180 report prepared pursuant to section 7 of this act and identifying
181 information in the categories of information that the unauthorized

182 person used to complete the application or to open the account. Upon
183 request by such person in whose name the application was filed or in
184 whose name the account was opened, such person, firm or corporation
185 shall inform such person of the categories of identifying information
186 that the unauthorized person used to complete the application or to
187 open the account. Not later than ten business days after receipt of such
188 person's request and submission of the copy of the police report and
189 identifying information, such person, firm or corporation shall,
190 without charge, provide such person, or a law enforcement officer
191 specified by such person, information related to the application or
192 account, including a copy of the unauthorized person's application or
193 application information, and a record of transactions or charges
194 associated with the application or account.

195 (b) Prior to providing information to a law enforcement officer
196 pursuant to subsection (a) of this section, the person, firm or
197 corporation may require the person who made the request for such
198 information to submit a signed and dated statement in which such
199 person: (1) Authorizes disclosure for a stated period; (2) specifies the
200 name of the agency or department to which the disclosure is
201 authorized; and (3) identifies the types of records that such person
202 authorizes to be disclosed. The statement shall contain a notice that
203 such person has the right at any time to revoke the authorization.

204 Sec. 11. Section 52-571h of the general statutes is repealed and the
205 following is substituted in lieu thereof (*Effective October 1, 2003*):

206 (a) Any person aggrieved by an act constituting a violation of
207 section 53a-129a of the general statutes, revision of 1958, revised to
208 January 1, 2003, or section 2, 3 or 4 of this act may bring a civil action in
209 the Superior Court for damages against the person who committed the
210 violation.

211 (b) In any civil action brought under this section in which the
212 plaintiff prevails, the court shall award the greater of one thousand
213 dollars or treble damages, together with costs and a reasonable

214 attorney's fee.

215 (c) No action under this section shall be brought but within two
216 years from the date when the violation first occurs or is discovered or
217 in the exercise of reasonable care should have been discovered.

218 Sec. 12. (NEW) (*Effective October 1, 2003*) (a) On and after January 1,
219 2005, no person, firm or corporation that accepts credit cards or debit
220 cards for the transaction of business may print on a receipt provided to
221 the cardholder (1) more than the last five digits of the credit card or
222 debit card account number, or (2) the expiration date of the credit card
223 or debit card.

224 (b) The provisions of subsection (a) of this section apply only to
225 receipts that are electronically printed and do not apply to transactions
226 in which the sole means of recording the cardholder's credit card or
227 debit card account number is by handwriting or by an imprint or copy
228 of the credit card or debit card.

229 Sec. 13. (NEW) (*Effective October 1, 2003*) (a) For the purposes of this
230 section:

231 (1) "Business" means an individual, association, corporation, general
232 or limited partnership, limited liability partnership, limited liability
233 company, statutory trust or other entity doing business in this state;

234 (2) "Records" means any material, regardless of the physical form,
235 on which information is recorded or preserved by any means,
236 including in written or spoken words, graphically depicted, printed or
237 electromagnetically transmitted, but does not include publicly
238 available directories containing information that an individual has
239 voluntarily consented to have publicly disseminated or listed, such as
240 name, address or telephone number;

241 (3) "Customer" means an individual who provides personal
242 information to a business for the purpose of purchasing, leasing or
243 obtaining goods or services from the business; and

244 (4) "Personal information" means any information that identifies,
245 relates to, describes or is capable of being associated with, a particular
246 individual, including, but not limited to, his or her name, signature,
247 Social Security number, physical characteristics or description,
248 address, telephone number, passport number, driver's license number,
249 insurance policy number, educational history, employment history,
250 bank account number, credit card number, debit card number and any
251 other financial information.

252 (b) A business shall take all reasonable steps to destroy, or arrange
253 for the destruction of, a customer's records within its custody or
254 control containing personal information that is no longer to be retained
255 by such business by (1) shredding, (2) erasing, or (3) otherwise
256 modifying the personal information in such records to make it
257 unreadable or undecipherable through any means.

258 (c) Any customer aggrieved by a violation of subsection (b) of this
259 section may bring a civil action in the Superior Court to enjoin further
260 violations and to recover the actual damages sustained by reason of
261 such violation, together with costs and a reasonable attorney's fee.

262 Sec. 14. (NEW) (*Effective October 1, 2003*) (a) On and after January 1,
263 2005, no person, firm or corporation shall:

264 (1) Publicly post or publicly display in any manner an individual's
265 Social Security number. For the purposes of this subdivision, "publicly
266 post" or "publicly display" means to intentionally communicate or
267 otherwise make available to the general public;

268 (2) Print an individual's Social Security number on any card
269 required for the individual to access products or services provided by
270 the person, firm or corporation;

271 (3) Require an individual to transmit such individual's Social
272 Security number over the Internet, unless the connection is secure or
273 the Social Security number is encrypted;

274 (4) Require an individual to use such individual's Social Security
275 number to access an Internet web site, unless a password or unique
276 personal identification number or other authentication device is also
277 required to access the Internet web site; or

278 (5) Print an individual's Social Security number on any materials
279 that are mailed to the individual, unless state or federal law requires
280 the Social Security number to be on the document to be mailed, except
281 that Social Security numbers may be included in applications and
282 forms sent by mail, including documents sent (A) as part of an
283 application or enrollment process, (B) to establish, amend or terminate
284 an account, contract or policy, or (C) to confirm the accuracy of the
285 Social Security number.

286 (b) A person, firm or corporation that has used, prior to January 1,
287 2005, an individual's Social Security number in a manner inconsistent
288 with subsection (a) of this section, may continue using that individual's
289 Social Security number in that manner on or after January 1, 2005, if
290 the following conditions are met:

291 (1) The use of the Social Security number is continuous, provided if
292 the use ceases for any reason, subsection (a) of this section shall apply;
293 and

294 (2) The individual is provided an annual disclosure, commencing
295 with calendar year 2005, that informs the individual that such
296 individual has the right to stop the use of such individual's Social
297 Security number in a manner prohibited by subsection (a) of this
298 section.

299 (c) A written request by an individual to stop the use of such
300 individual's Social Security number in a manner prohibited by
301 subsection (a) of this section shall be implemented not later than thirty
302 days after the receipt of the request. There shall be no fee or charge for
303 implementing the request. A person, firm or corporation shall not deny
304 services to an individual because the individual makes a written
305 request pursuant to this subsection.

306 (d) This section does not prevent the collection, use or release of a
307 Social Security number as required by state or federal law or the use of
308 a Social Security number for internal verification or administrative
309 purposes.

310 (e) This section does not apply to documents that are required to be
311 open to the public pursuant to the Freedom of Information Act.

312 Sec. 15. (*Effective October 1, 2003*) The Police Officer Standards and
313 Training Council shall evaluate the basic and review police training
314 programs conducted or administered by the council to determine if
315 such programs provide adequate and sufficient training on the subject
316 of identity theft. Not later than February 4, 2004, the council shall
317 report its findings and recommendations to the judiciary committee of
318 the General Assembly in accordance with section 11-4a of the general
319 statutes.

320 Sec. 16. Subsection (a) of section 53a-118 of the general statutes is
321 repealed and the following is substituted in lieu thereof (*Effective*
322 *October 1, 2003*):

323 (a) The following definitions are applicable to this part and sections
324 2, 3 and 4 of this act: (1) "Property" means any money, personal
325 property, real property, thing in action, evidence of debt or contract, or
326 article of value of any kind. Commodities of a public utility nature
327 such as gas, electricity, steam and water constitute property, but the
328 supplying of such a commodity to premises from an outside source by
329 means of wires, pipes, conduits or other equipment shall be deemed a
330 rendition of a service rather than a sale or delivery of property. (2)
331 "Obtain" includes, but is not limited to, the bringing about of a transfer
332 or purported transfer of property or of a legal interest therein, whether
333 to the obtainer or another. (3) To "deprive" another of property means
334 (A) to withhold it or cause it to be withheld from [him] such person
335 permanently or for so extended a period or under such circumstances
336 that the major portion of its economic value or benefit is lost to [him]
337 such person, or (B) to dispose of the property in such manner or under

338 such circumstances as to render it unlikely that an owner will recover
339 such property. (4) To "appropriate" property of another to oneself or a
340 third person means (A) to exercise control over it, or to aid a third
341 person to exercise control over it, permanently or for so extended a
342 period or under such circumstances as to acquire the major portion of
343 its economic value or benefit, or (B) to dispose of the property for the
344 benefit of oneself or a third person. (5) An "owner" means any person
345 who has a right to possession superior to that of a taker, obtainer or
346 withholder. (6) To "receive" means to acquire possession, control or
347 title, or to lend on the security of the property. (7) "Service" includes,
348 but is not limited to, labor, professional service, public utility and
349 transportation service, the supplying of hotel accommodations,
350 restaurant services, entertainment, and the supplying of equipment for
351 use. (8) "Check" means any check, draft or similar sight order for the
352 payment of money which is not postdated with respect to the time of
353 issuance. (9) "Drawer" of a check means a person whose name appears
354 thereon as the primary obligor, whether the actual signature be that of
355 himself or of a person purportedly authorized to draw the check in his
356 behalf. (10) "Representative drawer" means a person who signs a check
357 as drawer in a representative capacity or as agent of the person whose
358 name appears thereon as the principal drawer or obligor. (11) A person
359 "issues" a check when, as a drawer or representative drawer thereof,
360 [he] such person delivers it or causes it to be delivered to a person who
361 thereby acquires a right against the drawer with respect to such check.
362 One who draws a check with intent that it be so delivered is deemed to
363 have issued it if the delivery occurs. (12) A person "passes" a check
364 when, being a payee, holder or bearer of a check which previously has
365 been or purports to have been drawn and issued by another, [he] such
366 person delivers it, for a purpose other than collection, to a third person
367 who thereby acquires a right with respect thereto. (13) "Funds" means
368 money or credit. (14) A drawer has "insufficient funds" with a drawee
369 to cover a check when [he] such drawer has no funds or account
370 whatever, or funds in an amount less than that of the check; and a
371 check dishonored for "no account" shall also be deemed to have been
372 dishonored for "insufficient funds". (15) "Credit" means an

373 arrangement or understanding with a bank or depository for the
374 payment of a check, draft or order in full on presentation.

375 Sec. 17. Section 53a-121 of the general statutes is repealed and the
376 following is substituted in lieu thereof (*Effective October 1, 2003*):

377 (a) For the purposes of this part and sections 2, 3 and 4 of this act,
378 the value of property or services shall be ascertained as follows: (1)
379 Except as otherwise specified in this section, value means the market
380 value of the property or services at the time and place of the crime or,
381 if such cannot be satisfactorily ascertained, the cost of replacement of
382 the property or services within a reasonable time after the crime. (2)
383 Whether or not they have been issued or delivered, written
384 instruments, except those having a readily ascertainable market value
385 such as some public and corporate bonds and securities, shall be
386 evaluated as follows: (A) The value of an instrument constituting
387 evidence of debt, such as a check, draft or promissory note, shall be
388 deemed the amount due or collectible thereon, such figure ordinarily
389 being the face amount of the indebtedness less any portion thereof
390 which has been satisfied; (B) the value of any other instrument which
391 creates, releases, discharges or otherwise affects any valuable legal
392 right, privilege or obligation shall be deemed the greatest amount of
393 economic loss which the owner of the instrument might reasonably
394 suffer by virtue of the loss of the instrument. (3) When the value of
395 property or services cannot be satisfactorily ascertained pursuant to
396 the standards set forth in this section, its value shall be deemed to be
397 an amount less than fifty dollars.

398 (b) Amounts included in thefts committed pursuant to one scheme
399 or course of conduct, whether from the same person or several
400 persons, may be aggregated in determining the grade of the offense.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>

Sec. 4	<i>October 1, 2003</i>
Sec. 5	<i>October 1, 2003</i>
Sec. 6	<i>October 1, 2003</i>
Sec. 7	<i>October 1, 2003</i>
Sec. 8	<i>October 1, 2003</i>
Sec. 9	<i>October 1, 2003</i>
Sec. 10	<i>October 1, 2003</i>
Sec. 11	<i>October 1, 2003</i>
Sec. 12	<i>October 1, 2003</i>
Sec. 13	<i>October 1, 2003</i>
Sec. 14	<i>October 1, 2003</i>
Sec. 15	<i>October 1, 2003</i>
Sec. 16	<i>October 1, 2003</i>
Sec. 17	<i>October 1, 2003</i>

JUD *Joint Favorable Subst.*